

[First Reprint]

ASSEMBLY, No. 2586

STATE OF NEW JERSEY

210th LEGISLATURE

INTRODUCED JUNE 24, 2002

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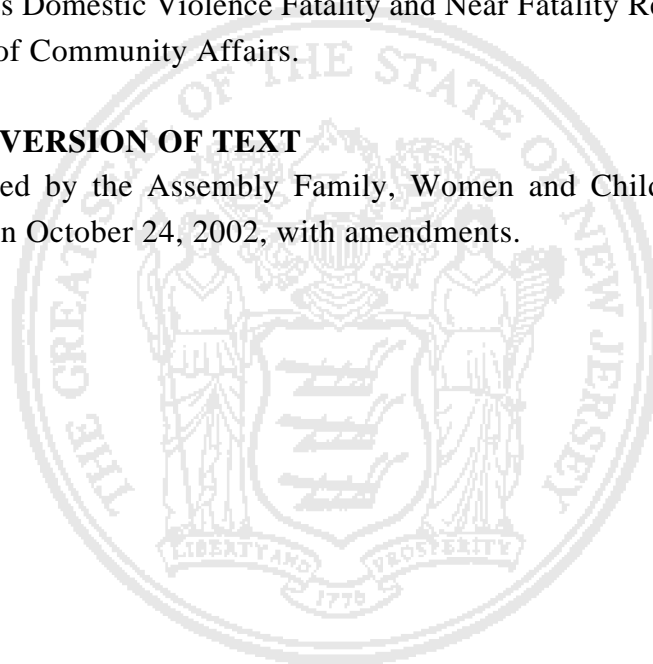
**Assemblywomen Heck, Previte, Pou, Assemblymen Conaway, Dancer,
Eagler, S.Kean, Munoz, Senators Vitale, Littell, Singer, Allen and Gill**

SYNOPSIS

Establishes Domestic Violence Fatality and Near Fatality Review Board in Department of Community Affairs.

CURRENT VERSION OF TEXT

As reported by the Assembly Family, Women and Children's Services Committee on October 24, 2002, with amendments.



(Sponsorship Updated As Of: 12/16/2003)

1 AN ACT concerning domestic violence and supplementing Title 52 of
2 the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. As used in this act:

8 "Board" means the Domestic Violence Fatality and Near Fatality
9 Review Board established pursuant to this act.

10 "Domestic violence-related fatality" or "fatality" means a death
11 which arises as a result of one or more acts of domestic violence as
12 defined in section 3 of P.L.1991, c.261 (C.2C:25-19).

13 "Near fatality" means a case in which a victim of domestic violence
14 is in serious or critical condition, as certified by a physician.

15 "Panel" means the Panel to Study Domestic Violence in the Law
16 Enforcement Community established pursuant to section 9 of this act.

17
18 2. There is established the Domestic Violence Fatality and Near
19 Fatality Review Board. For the purposes of complying with the
20 provisions of Article V, Section IV, paragraph 1 of the New Jersey
21 Constitution, the board is established within the Department of
22 Community Affairs, but notwithstanding the establishment, the board
23 shall be independent of any supervision or control by the department
24 or any board or officer thereof.

25 The purpose of the board is to review the facts and circumstances
26 surrounding domestic violence-related fatalities and near fatalities in
27 New Jersey in order to identify their causes and their relationship to
28 government and nongovernment service delivery systems, and to
29 develop methods of prevention. The board shall: review trends and
30 patterns of fatalities and near fatalities; evaluate the responses of
31 government and nongovernment service delivery systems to fatalities
32 and near fatalities and offer recommendations for improvement of
33 these responses; identify and characterize high-risk groups in order to
34 develop public policy; collect statistical data, in a consistent and
35 uniform manner, on the occurrence of fatalities and near fatalities; and
36 improve collaboration between State and local agencies and
37 organizations for the purpose of developing initiatives to prevent
38 domestic violence.

39
40 3. a. The board shall consist of 21 members as follows:

41 (1) the Commissioners of Community Affairs ¹, Human Services¹
42 and Health and Senior Services, the Director of the Division on

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AFW committee amendments adopted October 24, 2002.

1 Women in the Department of Community Affairs, the Attorney
2 General, the Public Defender, the Superintendent of the State Police,
3 the Supervisor of the Office on the Prevention of Violence Against
4 Women in the Department of Community Affairs established pursuant
5 to Executive Order No. 61 (1992), the State Medical Examiner, the
6 Program Director of the Domestic Violence Fatality Review Board
7 established pursuant to Executive Order No. 110 (2000) ¹[.] and¹
8 the Executive Director of the New Jersey Task Force on Child Abuse
9 and Neglect, or their designees, who shall serve ex officio;

10 (2) ¹[9] eight¹ public members appointed by the Governor who
11 shall include a representative of the County Prosecutors Association
12 of New Jersey with expertise in prosecuting domestic violence cases,
13 a representative of the New Jersey Coalition for Battered Women, a
14 representative of a program for battered women that provides
15 intervention services to perpetrators of acts of domestic violence, ¹[a
16 representative of a legally recognized military organization with
17 expertise in the area of domestic violence,]¹ a representative of the
18 law enforcement community with expertise in the area of domestic
19 violence, a psychologist with expertise in the area of domestic violence
20 or other related fields, a licensed social worker with expertise in the
21 area of domestic violence, a licensed health care professional
22 knowledgeable in the screening and identification of domestic violence
23 cases and a county probation officer; and

24 (3) two ¹retired¹ judges appointed by the Administrative Director
25 of the Administrative Office of the Courts, one with expertise in family
26 law and one with expertise in municipal law as it relates to domestic
27 violence.

28 b. The public members of the board shall serve for three-year
29 terms, except that of the public members first appointed, four shall
30 serve for a period of one year, three shall serve for a period of two
31 years and two shall serve for a period of three years. The members
32 shall serve without compensation, but shall be eligible for
33 reimbursement for necessary and reasonable expenses incurred in the
34 performance of their official duties and within the limits of funds
35 appropriated for this purpose. Vacancies in the membership of the
36 board shall be filled in the same manner as the original appointments
37 were made.

38 c. The board shall select a chairperson from among its members
39 who shall be responsible for the coordination of all activities of the
40 board.

41 d. The board is entitled to call to its assistance and avail itself of
42 the services of employees of any State, county or municipal
43 department, board, bureau, commission or agency as it may require
44 and as may be available for the purposes of reviewing a case pursuant
45 to the provisions of this act.

46 e. The board may seek the advice of experts, such as persons

1 specializing in the fields of psychiatric and forensic medicine, nursing,
2 psychology, social work, education, law enforcement, family law ¹,
3 academia, military affairs¹ or other related fields, if the facts of a case
4 warrant additional expertise.

5
6 4. The board shall:

7 a. Identify domestic violence-related fatalities that meet the
8 following criteria:

9 (1) The manner of death is homicide, and the deceased is the
10 spouse, former spouse, present or former household member of the
11 perpetrator of the homicide or person with whom the perpetrator has
12 had a dating relationship;

13 (2) The manner of death is suicide, and the deceased was a victim
14 of one or more acts of domestic violence committed by a spouse,
15 former spouse, present or former household member or person with
16 whom the victim had a dating relationship;

17 (3) The manner of death is homicide or suicide, and the deceased
18 is the perpetrator of a homicide committed against a spouse, former
19 spouse, present or former household member or person with whom the
20 perpetrator has a dating relationship;

21 (4) The manner of death is homicide or suicide, and the deceased
22 is the child of either a victim of a homicide committed by a spouse,
23 former spouse, present or former household member or person with
24 whom the victim has had a dating relationship, or the perpetrator of
25 the homicide;

26 (5) The manner of death is homicide or suicide, and the deceased
27 is the child of a victim of a homicide committed by a spouse, former
28 spouse, present or former household member or person with whom
29 the victim has had a dating relationship and the perpetrator of the
30 homicide;

31 (6) The deceased is a law enforcement officer, health care
32 professional, representative of any agency or organization that
33 provides services to victims of domestic violence or ¹an¹ emergency
34 medical ¹[personnel] technician or paramedic¹ who died while
35 responding to an incident of domestic violence;

36 (7) The manner of death is homicide or suicide, and the deceased
37 is a family member of either a victim of a homicide committed by a
38 spouse, former spouse, present or former household member or person
39 with whom the victim has had a dating relationship, or the perpetrator
40 of the homicide;

41 (8) The manner of death is homicide or suicide, and the deceased
42 is the perpetrator of a homicide of a family member; or

43 (9) The manner of death is homicide or suicide related to an
44 incident of domestic violence, and the deceased is not a family
45 member, spouse, former spouse, present or former household member
46 or person with whom the victim has had a dating relationship.

1 As used in this subsection, "family member" means a person 16
2 years of age or older related to another person by blood, marriage or
3 adoption, including: a sibling, parent, stepsibling or stepparent of the
4 person or his spouse; and a person whose status is preceded by the
5 words "great" or "grand."

6 b. Identify near fatalities ¹[where] when¹ information available to
7 the board indicates that domestic violence may have been a
8 contributing factor.

9 c. Collect and review death certificates, autopsy, investigative,
10 police, medical, counseling, victim service and employment records,
11 child abuse and neglect reports, survivor interviews, surveys, and any
12 other information the board deems necessary and appropriate in
13 determining the cause of a domestic violence-related fatality or near
14 fatality.

15 d. Make a determination whether a domestic violence-related
16 fatality or near fatality may have been prevented with improvements
17 to the policies and procedures used by health care, social service, law
18 enforcement, governmental or nongovernmental agencies and
19 organizations to provide services to victims of domestic violence and
20 their families.

21 e. Implement a Statewide public education campaign to promote
22 awareness among the public, community organizations, law
23 enforcement agencies and health care providers on issues relating to
24 the prevention of domestic violence.

25 f. Conduct a Statewide domestic violence safety and accountability
26 audit. The audit shall include a systematic analysis of ¹[intraagency]
27 intra agency¹ and interagency policies and procedures used by:

28 (1) law enforcement agencies and the court system when
29 investigating and prosecuting cases of domestic violence-related
30 fatalities and near fatalities, as appropriate; and

31 (2) State and local agencies and organizations when providing
32 services to victims of domestic violence.

33

34 5. The board is authorized to:

35 a. Subpoena any records ¹, other than criminal investigatory
36 records pertaining to a criminal investigation in progress.¹ concerning
37 a domestic violence-related fatality or near fatality and other records,
38 which may be deemed pertinent to the review process and necessary
39 for the formulation of a conclusion by the board;

40 b. Apply for and accept any grant of money from the federal
41 government, private foundations or other sources, which may be
42 available for programs related to the prevention of domestic violence;
43 and

44 c. Enter into contracts with individuals, organizations and
45 institutions necessary for the performance of its duties under this act.

1 6. a. The board shall determine which domestic violence-related
2 fatalities and near fatalities shall receive its full review.

3 The board may establish local, community-based teams or
4 committees to compile specific information regarding the fatalities and
5 near ¹[fatalites] fatalities¹ selected by the board for its review.

6 b. Each team or committee shall include, at a minimum, a person
7 experienced in prosecution and local law enforcement investigation, a
8 medical examiner, a physician with expertise in the area of domestic
9 violence ¹[and],¹ a domestic violence specialist certified by the New
10 Jersey Association of Domestic Violence Professionals ¹and one
11 representative each of a legally recognized military organization with
12 expertise in domestic violence and Legal Services of New Jersey to
13 advise on areas relevant to their agencies¹. As necessary to perform
14 its functions, each team or committee may add additional members if
15 the facts of a case warrant additional expertise.

16 c. Each team or committee shall submit to the chairperson of the
17 board a report containing the information the team or committee
18 compiled regarding each domestic violence-related fatality or near
19 fatality and make recommendations for improvements or needed
20 changes concerning the provision of services to victims of domestic
21 violence.

22 d. The board shall review the reports submitted by each team or
23 committee pursuant to subsection c. of this section and issue an annual
24 report to the Governor and the Legislature, which includes the number
25 of cases reviewed and specific non-identifying information regarding
26 cases of particular significance. The board shall also include in the
27 report recommendations for systemwide improvements in services to
28 prevent domestic violence-related fatalities and near fatalities.

29
30 7. a. The records compiled by the board, including all investigatory
31 findings, statistical data and information gathered pursuant to
32 subsection c. of section 4 of this act, shall not be subject to discovery,
33 but may be used by the chairperson of the board to refer an individual
34 case, including the board's deliberations and conclusions, to the extent
35 necessary, to an appropriate agency to investigate or to provide
36 services.

37 b. The records compiled by the board shall not be subject to
38 subpoena or admissible as evidence in any action or proceeding in any
39 court, nor shall a person or entity authorized by the board to have
40 access to the records pursuant to this act be compelled to testify with
41 regard to the records.

42 c. Except as provided in subsection a. of this section, the
43 deliberations and conclusions of the board related to a specific case
44 shall be confidential ¹and shall not be deemed a public record
45 pursuant to P.L. 1963, c.73 (C.47:1A-1 et seq.) and P.L.2001, c.404
46 (C.47:1A-5 et al.)¹. Summary records that are prepared by the board

1 and the teams or committees on each reported case shall not contain
2 any information that would identify the victim of a domestic violence-
3 related fatality or near fatality.

4
5 8. A member of the board, a member of a team, committee or panel
6 established pursuant to this act or an employee of the board shall not
7 be held liable for any civil damages as a result of any action taken or
8 omitted in the performance of his duties pursuant to this act.

9
10 9. a. The board shall establish a Panel to Study Domestic Violence
11 in the Law Enforcement Community. The purpose of the panel is to:
12 examine issues associated with incidents of domestic violence
13 perpetrated by law enforcement officials and, as appropriate, specific
14 cases; evaluate the responses of State and local agencies and
15 organizations to incidents of domestic violence perpetrated by law
16 enforcement officials; and develop strategies to prevent domestic
17 violence-related fatalities and near fatalities among law enforcement
18 officials and their families.

19 The panel shall examine issues, which ¹[,]¹ shall include, but are
20 not limited to:

21 (1) the education of law enforcement officials on the consequences
22 of committing acts of domestic violence;

23 (2) the provision of support services to law enforcement officials
24 in high-risk situations, including cases of separation and divorce;

25 (3) the provision of support services to victims of domestic
26 violence who are the family members of law enforcement officials,
27 including information about and referral to community organizations
28 that provide medical, mental health and legal services to victims of
29 domestic violence; and

30 (4) the development of Statewide policies and procedures regarding
31 the identification and disposition of cases of domestic violence
32 perpetrated by law enforcement officials.

33 b. The panel shall be composed of volunteer members, including
34 representatives from the law enforcement community and experts in
35 the field of domestic violence.

36 c. The members of the panel:

37 (1) shall not disclose to any person or government official any
38 identifying information about a specific case of domestic violence
39 perpetrated by a law enforcement official with respect to which the
40 panel is provided information; and

41 (2) shall not make public other information unless authorized by
42 State statute.

43 d. The panel shall have access to information necessary to carry
44 out its functions. The panel is entitled to call to its assistance and
45 avail itself of the services of employees of any State, county or
46 municipal department, board, bureau, commission or agency as it may

1 require and as may be available for the purposes of effectuating the
2 provisions of this act.

3 e. The panel shall prepare and make available to the public and the
4 board, on an annual basis, a report containing a summary of its
5 activities.

6 f. The panel may receive grants and other funds made available
7 from any governmental, public, private, nonprofit or for-profit agency,
8 including funds made available under any federal or State law,
9 regulation or program.

10

11 10. The board shall adopt regulations pursuant to the
12 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
13 ^{1,1} concerning the operation of the board, procedures for conducting
14 reviews of cases involving domestic violence fatalities and near
15 fatalities, the establishment of the panel pursuant to section 9 of this
16 act and other matters necessary to effectuate the purposes of this act.

17

18 11. This act shall take effect immediately.